

DEC 29 2004

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Application Number	09/539,859
Filing Date	March 30, 2000
First Named Inventor	Paul Kuprionas
Group Art Unit	2122
Examiner Name	Chuck O. Kendall
Attorney Docket No.	IBMF100268000

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/ISB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on November 29, 2004 (2<sup>nd</sup> transmission – 18 pgs.)  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply – (copy of 2<sup>nd</sup> amendment after final filed November 29, 2004)
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous


- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required).
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

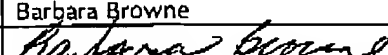
- a. ☒ The Director is hereby authorized to charge the following fees, charge any underpayment, or credit any overpayments, to Deposit Account No. 09-0458 of the assignee IBM Corporation.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) of \$ 790.00
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) of \$ 590.00 for balance of 3 mo. extension (fee for 2 mo. extension was paid with amendment of November 29, 2004).
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	Pete W. Peterson	Registration No. (Attorney Agent)	31,867
Signature		Date	12/29/2004

## CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Name (Print Type)	Barbara Browne	Date	December 29, 2004
Signature		Date	12/29/2004

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